

REMARKS

This Application has been reviewed in light of the Office Action mailed November 4, 2003 by the Office. At the time of this Office Action, Claims 1 and 3-9 were pending in this Application, of which Claims 1 and 3-6 were rejected and Claims 7-9 were withdrawn from consideration. In order to advance prosecution of this case, Claims 1, 7 and 9 have been amended to overcome the rejections asserted by the Office. It is believed that the amended claims do not involve any introduction of new matters, whereby entry is believed to be in order and is respectfully requested. The Applicant respectfully requests reconsideration and favorable action in this case.

The following actions were taken or matters raised: (I) Claims 1 and 4-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson (US 3,514,902) in view of Hamilton et al (US 4,793,468) and (II) Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson (US 3,514,902) in view of Hamilton et al (US 4,793,468) as applied in Claim 1 above, and further in view of Fors (US 3,998,343).

I. Claims 1 and 3-6 Rejected Under 35 U.S.C. 103(a)

It is respectfully submitted that the Office has misconstrued both the present application and the cited prior art. *The Office asserts, “it would be obvious to one of ordinary skill in the art, at the time of invention that the roof access door could be*

placed at either the front or rear of the trailer and still perform the same task in an equivalent manner with the same expected results.” (beginning at page 3 second sentence) The roof access door in Anderson could NOT be placed at the opposite end of the trailer, as stated by the Office, and still perform the same task in an equivalent manner with the same expected results. This configuration would preclude the task/results of Anderson and not accomplish the task/results disclosed in the application of the Applicant. If the roof access door of Anderson were placed adjacent the end door, the Anderson trailer could only be filled to a fraction of the capacity achieved with the roof access door positioned remotely from the end door.

In Anderson, refuse enters the trailer through opening 24 and is pushed towards and against the end doors by compactor blade 32. The compactor blade 32 can then be retracted back to the position shown in Figure 1 of Anderson. More refuse then enters the trailer and is compacted toward the end door. This process is repeated until the trailer is essentially full of refuse.

If Anderson were modified to place the roof access door adjacent the end door, this operation is not possible and the results would not be acceptable to one of ordinary skill in the art. With such a structure (i.e., the roof access door adjacent the end door), a first load of refuse enters the trailer via the opening and is compacted against the end door. After retracting the compactor, more refuse is then put into the trailer. But, the previously

compacted refuse partially, perhaps fully, obstructs the opening. Accordingly, the trailer would have a capacity substantially limited to a projected area of the opening. Once that capacity of the trailer has been filled, it is simply impossible to add any additional refuse to the trailer through the roof access door. Perhaps, 75% of the volume of the trailer would be unusable. This limitation in modifying the trailer in Anderson by moving the roof access door as asserted by the Office would be immediately apparent to the person skilled in the art with the obvious effect that the skilled person would have dismissed such a proposal, as made by the Office, as wholly unattractive and impractical. Accordingly, there is no incentive for the skilled person to adapt Anderson in any way, certainly not by replacement of the compactor blade with a walking floor.

The Office asserts, “features upon which the applicant relies (i.e., operation of the COMPACTOR with the aperture open and a canvas sheet) are not recited in the rejected claims. The Office further asserts, “the claims do not have the limitation of the aperture remaining open during operation of the compaction blade. (page 4, final paragraph) In response to this assertion, the Applicant submits that according to the final sentence on page 2 of the application as filed, the disclosures by the Applicant seek to *“avoid the requirement for the premises to have compactor units”*. This is further confirmed by the statement at page 9, lines 5 and 6 of the description as filed. The obvious solution to the problem is to use Anderson’s trailer exactly as described, namely with an

internal compactor. There is no incentive to the skilled person to divert from the teachings of Anderson.

In view of the amendments made to independent Claims 1 and the associated remarks, independent Claims 1, and hence all claims dependent thereon, are patentable under 35 U.S.C. 103(a) over Anderson in view of Hamilton et al. and/or Fors because Claims 1 recites features, physical structure and/or function not present in, not configured for being provided by, or not intended to be provided by Anderson, Hamilton and/or Fors, and therefore distinguish over Anderson, Hamilton and/or Fors. Accordingly, the Applicant submits that the rejections under 35 U.S.C. § 103(a) applied to Claims 1 and 3-6 as being unpatentable over Anderson in view of Hamilton and/or Fors are overcome and respectfully requests the Office to withdraw the rejections asserted against Claims 1 and 3-6 under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Hamilton and/or Fors.

II. Additional Information Supporting Patentability

To further assist the Office in consideration of the application, the following information is presented to assist in understanding the advantages provided by the Applicant's trailer. With respect to how newsprint and waste paper are presently processed, a lorry (e.g., truck with trailer) takes newsprint from a paper mill to a printer. The lorry then returns empty from the printer to the paper mill. At the printer, wastepaper

is collected into a bin (e.g., a trailer), such as by compacting the waste paper into the bin using a compactor. Once full, the bin is removed from the compactor and closed by means such as a tarpaulin strapped over a port of the bin. As the waste paper is under some pressure due to being compacted, when the bin is removed from the compactor, a significant amount of waste paper is lost from the bin while the tarpaulin is secured in place. Accordingly, it is not uncommon for there to be a great deal of waste paper littering the grounds of the printer. Furthermore, littering from wastepaper also occurs simply due to inadequate sealing of the bin against the compactor and within the various components of the compactor itself. Due to limitations of the compactors, the bin is generally sized smaller than the size of a trailer capable of being transported by a lorry (e.g., the lorry delivering the newsprint). The relatively small size of the bin often results in the bin being transported to a transfer station where contents from several bins are transferred to a larger trailer (e.g., a size trailer used to transport newsprint to the printer) for transport to the paper mill for pulping and recycling. The Office should recognize that this approach to transporting newsprint and waste paper is messy and inefficient.

In contrast, the approach afforded by the trailer disclosed and claimed by the Applicant requires just two lorry movements to efficiently and effectively deliver newsprint to the printer and to transport waste paper from the printer to the paper mill. Furthermore, because waste paper is loaded into the trailer through the roof aperture, when the trailer is removed, there is no backpressure of the waste paper resulting in loss of paper.

As such, the Applicant's trailer provides for less littering of waste paper. Additionally, the Office will appreciate that the Applicant's trailer precludes the need for use of a waste transfer station.

CONCLUSION

The Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicant respectfully requests full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicant invites the Examiner to contact the undersigned at 512-372-8240 at the Examiner's convenience.

Respectfully Submitted,
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